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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

JUN 07 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Roto-Rooter Company
c/o Charles Cullberg
Interstate Pollution Control, Inc.
4430 Boeing Drive
Rockford, Illinois 61109

Re: Request for Information Pursuant to Section 104(e) of CERCLA and Section 3007 of RCRA for the Southeast Rockford Groundwater Site in Rockford, Illinois, hereinafter referred to as "the Site."

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants at or near the Southeast Rockford Groundwater Site in Rockford, Illinois. This investigation requires inquiry into the generation, storage, treatment and disposal of such substances that have been or threaten to be released at or near the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §9604(e), amended by Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, and pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §6927, you are hereby requested to respond to the Information Requests enclosed.

Compliance with the enclosed Information Requests is mandatory. Failure to respond fully and truthfully to each and every Information Request within twenty one (21) days of receipt of this letter, or to adequately justify such failure to respond, can result in enforcement action by USEPA. Pursuant to Section 3008 of RCRA, USEPA may seek the imposition of penalties up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance; and Section 104(e)(5) of CERCLA, as amended, authorizes the United States to seek penalties from a Federal Court of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. "Non-compliance" is considered by USEPA to be not only failure to respond to the Requests but also failure to respond completely and truthfully to each Request. Please be further

advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to ten thousand dollars (\$10,000) or up to five (5) years of imprisonment or both under 18 U.S.C. Section 1001.

USEPA has the authority to use the information requested herein in an administrative, civil or criminal action. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

Your response to this Information Request should be mailed to:

Karen Vendl
U.S. Environmental Protection Agency (HSRL-6J)
77 West Jackson Boulevard
Chicago, Illinois 60604

If you have any legal questions, please direct such questions to Ms. Elizabeth Doyle, Assistant Regional Counsel, at (312) 886-7951. If you have any other questions, please direct such questions to Ms. Vendl at (312) 886-4739.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond promptly and properly, USEPA strongly encourages you to give this matter your immediate attention and to respond to these Information Requests within the time specified above.

Thank you for your cooperation in this matter.

Sincerely yours,


Robert Bowden, Chief
Illinois/Indiana Remedial Response Branch

Enclosure

Instructions

1. A separate response must be made to each of the questions set forth in this Information Request.
2. Precede each answer with the number of the Information Request to which it corresponds.
3. In answering each Information Request, identify all contributing sources of information.
4. If information is not known or is not available to Respondent as of the date of submission of its response, should information later become known by or available to Respondent, Respondent must supplement its response to U.S. EPA. Moreover, should Respondent find, at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Respondent must notify the U.S. EPA thereof as soon as possible.
5. For each document produced in response to this Request for Information, indicate on the document, or in some reasonable manner, the number of the question to which it responds.
6. You must respond to the Information Requests on the basis of all information and documents in your possession, custody or control, or in possession, custody or control of your former or current employees, agents, servants, contractors or attorneys. Furnish such information as is available to you, regardless of whether or not it is based on personal knowledge, and regardless of source.
7. Your response should be accompanied by a notarized affidavit from a responsible company official or representative stating

that a diligent record search has been completed and that there has been a diligent interviewing process with present and former employees who may have knowledge of the operations, hazardous substance use, storage, treatment, disposal or other handling practice of Respondent at the Facility. To the extent that any information you provide relating to these Requests is based on your personal knowledge, or the personal knowledge of your employees, agents, or other representatives, this information shall be in the form of a notarized affidavit.

8. If any documents requested herein have been transferred voluntarily or involuntarily to others or have been otherwise disposed of, identify each such document, identifying the person to whom it was transferred, describe the circumstances surrounding each transfer or other disposition, and state the date or approximate date of such transfer or other disposition.

9. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR 2.203(b). Information covered by such claim will be disclosed by the U.S. EPA only to the extent, and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. [See 41 Federal Register 36902 et seq. (September 1, 1976); 43 Federal Register 4000 et seq. (September 8, 1978); 50 Federal Register 51654 et seq. (December 18, 1985).] If no such claim accompanies

the information when it is received by the U.S. EPA, it may be made available to the public by the U.S. EPA without further notice to you. You should read carefully the above-cited regulations, together with the standards set forth in Section 104(e)(7) of CERCLA, before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim, as stated in Section 104(e)(7)(ii) of CERCLA.

Definitions

For the purpose of the Instructions and Requests for Information set forth herein, the following definitions shall apply:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term person as used herein includes, in the plural as well as the singular, any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.
3. The "Facility" shall mean the area generally north of Sandy Hollow Road and south of the Illinois Central railroad tracks west of Balsam Lane (Pine Manor Subdivision) and east of Alpine Road from O'Connell Street in Rockford, Winnebago County, Cherry Valley Township, Illinois (referred to as Area 7 in the "Southeast Rockford Groundwater Contamination Phase II Remedial Investigation/Feasibility Study Work Plan," prepared by CDM for the Illinois Environmental Protection Agency, dated April 1993).

4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, including mixtures of hazardous substances with other substances including petroleum products.

5. The term "pollutant" or "contaminant" shall have the same definition as that contained in Section 101(33) of CERCLA.

6. The terms "furnish," "describe," "identify" or "indicate" shall mean turning over to U.S. EPA either original or duplicate copies of the requested information in the possession, custody or control of Respondent. Where specific information has not been memorialized in any document but is nonetheless responsive to an information request, you must respond to the request with a written response. If such requested information is not in your possession, custody, or control then indicate where such information or documents may be obtained.

7. The term "identify" means, with respect to a natural person, to set forth his full name, present or last known business address, the name of that employer and a description of the job responsibilities of such person.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (e.g., invoice or purchase number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.

9. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching,

dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

10. As used herein, "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, video tape or other type of memory); including (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or

notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

11. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Information Requests any information which might otherwise be construed to be outside their scope.

Requests

1. Identify the person(s) answering these questions on behalf of Respondent.
2. For each and every Question contained herein, identify all persons and documents consulted in the preparation of the answer, and provide true and accurate copies of all such documents.
3. Describe the location and nature of each of your businesses and facilities, whether presently owned by you or not, that was engaged in the collection, storage, treatment, transportation, and disposal of hazardous wastes, solid wastes and septic wastes in the Rockford, Illinois area during the period 1950 through 1985.
4. Identify any business firms and provide a description of the nature of any business relationships or affiliations with such firms and Roto-Rooter, Inc. for the purpose of engaging in the collection, storage, treatment, transportation and disposal of hazardous wastes, solid wastes and septic wastes in the Rockford, Illinois area for the period 1950 through 1985.
5. For the period 1950 through 1985, identify each employee and agent, whether presently employed with your firm or not, who participated in the collection, storage, treatment, transportation, and disposal of hazardous wastes, solid wastes and septic wastes in the Rockford, Illinois area. For each identified person, specify the facility or location at which each such person was employed, the nature of this person's responsibilities, the person's title, the dates on which such

person held the position, and the relevant chain of command (ie., to whom the person reported and what individuals and offices were under the person's supervision).

6. Identify any and all permits or written or oral approvals from any federal, state or local governmental agency which were obtained by Roto-Rooter, Inc. and any affiliated businesses for the collection, treatment, storage, transportation, and disposal of hazardous wastes, solid wastes and septic wastes during the period 1950 through 1985 for your facilities in the Rockford, Illinois area.

7. Identify any and all industrial sources and industrial generators of hazardous wastes, solid wastes and septic wastes collected, treated, stored, transported, and disposed by Roto-Rooter, Inc. and affiliated firms in the Rockford, Illinois area during the period 1950 through 1985.

8. Provide a description of the physical and chemical nature of hazardous wastes, solid wastes and septic wastes collected, treated, stored, transported, and disposed by Roto-Rooter, Inc. and affiliated firms in the Rockford, Illinois area during the period 1950 through 1985. Provide any chemical and analytical data, reports, MSDS sheets, specifications, and any other documentation characterizing the nature and volume of these hazardous wastes, solid wastes and septic wastes handled by your firm. Identify the nature and volume of these hazardous wastes, solid wastes and septic wastes, and the period of time during which these wastes were collected, stored, treated, transported,

or disposed for each industrial source and industrial generator identified in information request #6, above.

9. Describe the facilities and equipment, including but not limited to, storage tanks and containers, tanker trucks, rolloff trucks and other vehicles used by Roto-Rooter, Inc. and any affiliated firms in the collection, storage, transportation, treatment, and disposal of hazardous wastes, solid wastes and septic wastes in the Rockford, Illinois area during the period 1950 through 1985.

10. Identify each and every location in the Rockford, Illinois area at which hazardous wastes, solid wastes and septic wastes were disposed by Roto-Rooter, Inc. and any affiliated firms during the period 1950 through 1985. Each location should be identified by, as appropriate, street address, map or plat description. For each location identified, provide the dates and durations of such disposals, the nature and volume of wastes disposed, the industrial sources and industrial generators of such wastes, and the equipment and facilities used for each disposal.